

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting  
August 22, 2004  
Tribal Court Room 7500 Odawa Circle  
Smudging 9:15 a.m.  
9:30 a.m.

Executive Session: yes

Call to Order: Meeting was called to order at 9:43 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Secretary Dexter McNamara, Treasurer Alice Yellowbank, Councilor Rita Shananaquet, Councilor Fred Harrington, Jr., Councilor Regina Gasco Bentley

Legal Staff Present: James Bransky, General Counsel

Staff Present: Michele LaCount, Doug Craven, Valerie Tweedie, Heidi Yapel, Barry Crowell, John Espinosa, Tony Davis

Commissions, Boards, and Committees: Julie Shananaquet, William Denemy Sherri Patton

Guests: Carol McFall

---

Opening Ceremony: Fred Harrington, Jr.

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to adopt the agenda for August 22, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to approve the minutes for August 8, 2004 as corrected.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Treasurer's report as presented by Valerie Tweedie, C.F.O., for August 22, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve travel for any Council member to attend the design field study in Las Vegas from October 1 to October 4, 2004 along with the members of the Victories II work group. Cost for travel, per diem and stipends for Tribal Council as well as travel and per diem for the work group members to come from the Victories II Project fund.

Vote: 5 Yes, 2 No (Secretary Dexter McNamara, Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained

Motion Carried

10:40 a.m. Vice Chairperson Beatrice A. Law leaves

10:43 a.m. Vice Chairperson Beatrice A. Law returns

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to approve mileage, stipend, lodging and per diem for any Tribal Council member wishing to go to Las Vegas in October 2004 to the World Gaming Conference.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

10:59 a.m. recess called

11:14 a.m. meeting reconvened

Motion made by Councilor Fred Harrington, Jr., and supported by Regina Gasco Bentley to accept the Tribal Administrator's verbal and written report for August 22, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to authorize the purchase of wheel chairs not to exceed \$1,500 to come from the Capital Improvement's line item.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet to cancel further efforts to send chaperones and students to the National Congress of American Indians Conference in Ft. Lauderdale, Florida.

Motion Withdrawn

11:49 a.m. Public Comment opened: Dexter McNamara

11:50 a.m. Public Comment closed

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to allocate \$3,500 to the Housing Department to host Michigan Tribal Affordable Housing Summit on October 26, 2004, funding to come from prior fund balance.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to approve travel for Tribal Council who would like to attend the Housing Conference on October 26-27, 2004 at Victories Hotel to include stipend, mileage, lodging and per diem.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

11:59 p.m. Lunch recess called until 1:30 p.m.

1:54 p.m. meeting reconvened

Motion made by Vice-Chairperson Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to accept the written and verbal report as given by Gaming Administration Chairperson Sherri Patten.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

3:02 p.m. recess called

3:20 p.m. meeting reconvened

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to approve Natural Resource Commission modification # fy2004 1103-0-32-02 with an increase of \$7,779 to come from prior fund balance

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Rita Shananaquet to accept the Tribal Chairman's verbal and written report for August 22, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to direct the Tribal Chairman to send a letter of appreciation to the Pow wow Committee for the August 14-15, 2004 Pow wow.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

4:08 p.m. Public Comment opened

4:08 p.m. Public Comment closed

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to authorize \$14,526.47 to support The Gathering of the Eagle Staffs to come from prior year fund balance, further authorize Warren Petoskey as purchasing requestor and Albert Colby as purchasing approval and further create a line item in the general fund for the Gathering of Eagle Staffs.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr., to accept the written and verbal Legal Department's report in honor of our Attorney James Bransky who serves as the General Counsel for Little Traverse Bay Bands of Odawa Indians and has worked tirelessly for Native Americans legal and social rights for nearly 20 years, helped draft and promote the reaffirmation legislation in the United States Congress in the early 1990's,

helped negotiate the 2000 Consent Decree in the United States vs. Michigan fishing rights case, and guided Tribal legal strategies too numerous to count all of which have greatly benefited the current and future of the Little Traverse Bay Bands of Odawa Indians citizens.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Rita Shananaquet to adopt Resolution #082204-01 Authorization for Purchase and Creation of Taimi Hoag Nature Preserve and further authorize up to \$5000 for closing costs, transfer tax and title insurance to come from Capitol Improvements line item.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice-Chairperson Beatrice A. Law to authorize payment of up to an additional \$35,000.00 under the contract with Greg Dowd for historic research and reporting in connection with the inland phase of United States v. Michigan to come out of the Legal Department 2004 budget to the extent not reimbursed by the Chippewa Ottawa Resource Authority.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Secretary Dexter McNamara to attempt to intervene as a party in the case of Tax Payers of Michigan Against Casinos TOMAC v. Michigan (MI Supreme Court No.122830, Court of Appeals No.225017, Ingham County Circuit Court. No.99-90195-CZ), and to continue participating as amicus if intervention is denied.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to suspend further 8% payments to the State of Michigan and to deposit the 8% payment that would be due the State of Michigan on August 31, 2004 under the Compact if exclusivity still existed into a separate bank account until the issue as to whether the conditions for payment are still in place is resolved, and to pursue negotiations and/or litigation as determined by Legal Counsel to resolve this issue. The 8% will continue to be recorded on the accounting books as a liability of the casino until this issue is resolved.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr., to retain the law firm of Kanji & Katzen to represent Little Traverse Bay Bands of Odawa Indians in the TOMAC case and in negotiations and/or litigation with the State of Michigan over the 8% payment under the Compact, total fees and expenses not to exceed \$55,000.00 without further authorization of Tribal Council to come out of the Legal Department 2004 and 2005 budgets.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to authorize the Tribal Chairman to execute the Cooperative Agreement Between Little Traverse Bay Bands of Odawa Indians and Midwest Regional Office Bureau of Indian Affairs for Reimbursement of Fire Management Costs Incurred By Little Traverse Bay Bands of Odawa Indians.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

5:14 p.m. recess called

5:22 P.M. meeting reconvened

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to place Enrollment Statute Amendment dated August 22, 2004 on the Legislative agenda.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara for immediate consideration of Enrollment Statute Amendment dated August 22, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley the Enrollment Statute, being Waganakising Odawak Statute 2002-06 as amended, is amended by adding the following new Section XIX (C)(7): Information submitted to the State of Michigan or any other state to implement the terms of any agreement authorized by the Tribal Council between the Little Traverse Bay Bands of Odawa Indians and a state regarding a state's acceptance of Tribal identification cards.

Effective Date: This Statute takes effect immediately upon enactment.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley -yes

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to authorize the Tribal Chairman to execute the Memorandum of Understanding Between the Michigan Department of State and the Little Traverse Bay Bands of Odawa Indians For Use of Tribal Identification Cards as Secondary Documentation for the Department of State Records.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to approve Burial Fund request #A0080 for \$5,000.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to approve Burial Fund request #A0081 for \$5,000.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to adopt Resolution #082204-02 Request for Funding from Michigan Inter Tribal Council, 2004-2005 SEMA Application-Comprehensive Programming, Little Traverse Bay Bands of Odawa Indians Tobacco Education Programs.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #082204-03 University of Minnesota Indians into Medicine, Center of American Indian Minority Health.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #082204-04 Request for Funding from Northrup Grumman Health solutions Little Traverse Bay Bands of Odawa Indians Fetal Alcohol Spectrum Disorders Response Initiative Planning Project.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to adopt Resolution #082204-05 Request for Funding From the Great Lakes Fishery Trust, Little Traverse Bay Bands of Odawa Indians Tribal Fishing and Recreational Fishing Access Project – Mackinaw City.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

6:17 p.m. Motion made by Councilor Regina Gasco Bentley and supported by Vice-Chairperson Beatrice A. Law to go into Executive Session for land issue #14 and Legal update.

Vote: 6 Yes, 1 No (Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to resume open session.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

6:28 p.m. Motion made by Treasurer Alice Yellowbank and supported by Councilor Rita Shananaquet to adjourn.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

These Minutes have been read and approved as written:

Approved:

---

Dexter McNamara, Tribal Secretary

Date